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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,604	02/15/2001	Atsushi Shimoda	501.39619X00	9403

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

EXAMINER

DASTOURI, MEHRDAD

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,604

Applicant(s)

SHIMODA ET AL.

Examiner

Mehrdad Dastouri

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7,8,12,13,16,19,23,24 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,5,7,8,12,13,16,19 and 30-32 is/are allowed.
- 6) ☒ Claim(s) 23, 24 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 14, 2004 has been entered.

Response to Amendment

2. Applicants' amendment filed November 15, 2004, has been entered and made of record.

Response to Arguments

3. Applicant's arguments, see Pages 11-17 of the remarks, filed November 15, 2004, with respect to Claims 1, 5, 7, 8, 12, 13, 16, 19, 30-32 have been fully considered and are persuasive. The rejection of Claims 1, 5, 7, 8, 12, 13, 16, 19, 30-32 has been withdrawn, and Claims 1, 5, 7, 8, 12, 13, 16, 19, 30-32 are allowed.

4. Applicants' arguments concerning Claims 23, 24 and 29 have been fully considered but they are not persuasive. Takagi et al. (Prior art of record) clearly disclose different classification means and classification rules as depicted in Figures 8-15).

DETAILED ACTION

Response to Amendment

5. The amendment received on 4/2/04 has been entered. Claims 1, 5, 7, 8, 12, 13, 16, 19, 23, 24, and 29-32 remain pending.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 23, 24, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi et al. (5,801,965) in view of Matsuo (JP 11-176899).

Regarding Claim 23, arguments analogous to those presented for Claim 1 (Office Action, Paper # 8 mailed July 14, 2004) are applicable to Claim 23. Takagi discloses a classifying means for classifying the position information of the defects as either critical defects or non-critical defects using a first classification rule (Col. 18, lines 40-54) and a second classifying means for classifying the detailed information, or image information, of the defects as either critical or non-critical referring to the classified position information of defects using a second classification rule (Col. 18, lines 8-65). While Takagi discloses storing the position information and detailed information of the defects and faults, Takagi does not appear to recognize specifying separate memories. However, it would have been obvious to one of ordinary skill in the art at the time of the

Art Unit: 2623

invention to have modified the storage disclosed by Takagi to include separate memories. The motivation for doing so would have been because it is well known in the art and reduces the data acquisition time. Therefore, it would have been obvious to have modified Takagi and Matsuo to obtain the invention as specified in claims 16 and 23.

Regarding Claim 24, Takagi discloses the detailed information as a defect image (Col. 11, lines 41-45).

Regarding Claim 29, the arguments analogous to those presented for Claims 1 and 12 (Office Action, Paper # 8 mailed July 14, 2004) are applicable to Claim 29.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehrdad Dastouri whose telephone number is (571) 272-7418. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (571) 272-7414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number: 09/783,604

Page 5

Art Unit: 2623

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mehrdad Dastouri
Primary Examiner
Art Unit 2623
April 1, 2005

MEHRDAD DASTOURI
PRIMARY EXAMINER

Mehrdad Dastouri